

1  
2 UNITED STATES DISTRICT COURT  
3 DISTRICT OF NEVADA

4 CEDRIC HOWARD,

5 Plaintiff

Case No. 2:21-cv-01282-RFB-DJA

**ORDER**

6 v.

7 NEVADA DEPARTMENT OF  
8 CORRECTIONS, *et al.*,

9 Defendants

10  
11 **I. DISCUSSION**

12 On July 6, 2021, Plaintiff, an inmate in the custody of the Nevada Department of  
13 Corrections ("NDOC"), submitted a civil rights complaint under 42 U.S.C. § 1983. (ECF  
14 No. 1-1). Plaintiff has neither paid the full \$402 filing fee for this matter nor filed an  
15 application to proceed *in forma pauperis*.

16 Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, an inmate seeking to begin  
17 a civil action in this Court may apply to proceed *in forma pauperis* in order to file the civil  
18 action without prepaying the full \$402 filing fee. To apply for *in forma pauperis* status, the  
19 inmate must submit all three of the following documents to the Court:

20 (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, this  
21 Court's approved form (i.e. pages 1 through 3 with the inmate's two signatures on  
22 page 3),

23 (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail  
24 official (i.e. page 4 of this Court's approved form), and

25 (3) a copy of the **inmate's prison or jail trust fund account statement for the**  
26 **previous six-month period**.

27 The Court will grant Plaintiff a **one-time** opportunity to file a fully complete  
28 application to proceed *in forma pauperis* containing all three of the required documents,

1 or in the alternative, pay the full \$402 filing fee for this action on or before **September 7,**  
2 **2021**. Absent unusual circumstances, the Court will not grant any further extensions of  
3 time.

4 If Plaintiff is unable to file a fully complete application to proceed *in forma pauperis*  
5 with all three required documents or pay the full \$402 filing fee on or before **September**  
6 **7, 2021**, this case will be subject to dismissal without prejudice for Plaintiff to file a new  
7 case with the Court when Plaintiff is either able to acquire all three of the documents  
8 needed to file a fully complete application to proceed *in forma pauperis* or pays the full  
9 \$402 filing fee.

10 A dismissal without prejudice means Plaintiff does not give up the right to refile the  
11 case with the Court, under a new case number, when Plaintiff has all three documents  
12 needed to submit with an application to proceed *in forma pauperis*. Alternatively, Plaintiff  
13 may choose not to file an application to proceed *in forma pauperis* and instead pay the  
14 full filing fee of \$402 on or before **September 7, 2021** to proceed with this case.

15 The Court will retain Plaintiff's civil rights complaint (ECF No. 1-1), but the Court  
16 will not file the complaint unless and until Plaintiff timely files a fully complete application  
17 to proceed *in forma pauperis* with all three documents or pays the full \$402 filing fee.

## 18 **II. CONCLUSION**

19 For the foregoing reasons, IT IS ORDERED that the Clerk of the Court will send  
20 Plaintiff the approved form application to proceed *in forma pauperis* by an inmate, as well  
21 as the document entitled information and instructions for filing an *in forma pauperis*  
22 application.

23 IT IS FURTHER ORDERED that on or before **September 7, 2021**, Plaintiff will  
24 either pay the full \$402 filing fee for a civil action (which includes the \$350 filing fee and  
25 the \$52 administrative fee) or file with the Court:

26 (1) a completed **Application to Proceed in Forma Pauperis for Inmate** on this  
27 Court's approved form (i.e. pages 1 through 3 of the form with the inmate's two  
28 signatures on page 3),

- 1 (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail  
2 official (i.e. page 4 of this Court's approved form), and  
3 (3) a copy of the **inmate's prison or jail trust fund account statement for the**  
4 **previous six-month period.**

5 IT IS FURTHER ORDERED that, if Plaintiff does not file a fully complete  
6 application to proceed *in forma pauperis* with all three documents or pay the full \$402  
7 filing fee for a civil action on or before **September 7, 2021**, this case will be subject to  
8 dismissal without prejudice for Plaintiff to refile the case with the Court, under a new case  
9 number, when Plaintiff has all three documents needed to file a complete application to  
10 proceed *in forma pauperis* or pays the full \$402 filing fee.

11 IT IS FURTHER ORDERED that the Clerk of the Court will retain the complaint  
12 (ECF No.1-1) but will not file it at this time.

13 DATED: July 8, 2021

14   
15 UNITED STATES MAGISTRATE JUDGE  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28